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C O N F I D E N T I A L SECTION 01 OF 02 HANOI 000002

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STATE FOR EAP/MLS, DRL/AWH

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TAGS: PHUM PREL PGOV ECON VM

SUBJECT: HANOI'S NEW CIVIL SOCIETY LAW IN POLITBURO'S COURT

REF: A. HANOI 3012

¶B. HANOI 2617

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Classified By: Pol/C Marc Knapper for Reasons 1.4 (B and D)

¶1. (C) Summary: The Politburo has recently debated the draft Law on Associations (LOA), the passage of which would lessen GVN control of associations and make it easier for citizens to form new ones. The Politburo's attention to this draft law is an indication of its importance and sensitivity, and it remains unclear whether the Politburo will demand further revisions. A point of contention is whether the law should govern Vietnam's six mass organizations, which are quasi-governmental groups linking major socioeconomic sectors and interest groups with the Party. While our civil society contacts expressed optimism that the GVN will eventually pass the law, the debate about it shows the cautious approach Vietnam's top leaders are taking regarding the development of civil society. End Summary.

¶2. (C) According to Embassy civil society contacts, following the conclusion of the November 2006 APEC Leaders' meeting, members of Vietnam's Politburo formally debated the 11th version of the draft Law on Associations (LOA). It is unclear, however, if the 14-member Politburo has reached consensus on what further changes must be made to the law.

¶3. (C) On December 14, Bui Tan Toan of the NGO Vietnam Assistance for the Handicapped (VNAH) told Poloff that unspecified Politburo members do not want the LOA to move forward because they fear dissidents could use the law to form associations with innocuous social agendas, then "work to subvert the government." (Note: In 2003, VNAH received a DRL grant to assist in the drafting of the LOA. End Note.) These Politburo members also "question donor motivations in urging the GVN to pass the LOA," Toan added.

¶4. (C) Some Politburo members do not want Vietnam to start down a slippery slope in which the Party gradually loses control and is "ultimately doomed," Toan continued. These leaders already are nervous over local responses to GVN drafts of the LOA. For example, when the GVN published the 10th version of the LOA, the Vietnam Union of Science and Technology Associations (VUSTA) came out with a counter-version. "For some at the top, it's like VUSTA was publicly challenging the GVN," Toan said.

LOA in Holding Pattern Until Politburo Provides Guidance

¶5. (C) The National Assembly (NA) Standing Committee originally listed the LOA as possibly up for debate during

the NA's 2007 spring session. However, Hoang Ngoc Giao of Hanoi National University's Law Faculty on December 22 noted to Poloff that the Office of the Government (the Prime Minister's Office) has not even looked at the LOA since late September, when it requested that the NA Standing Committee take the LOA off the NA's fall legislative agenda (Ref B). The Office of the Government and Ministry of Home Affairs will not begin revising the LOA until the Politburo provides guidance. Our civil society contacts say that, as a result, the NA likely will not consider the LOA before May NA elections and possibly not until 2008.

Mass Organizations Assert Themselves

¶6. (C) One issue that the Politburo likely examined is whether Vietnam's six mass organizations should be governed by the LOA. (Note: Mass organizations are quasi-governmental organizations which link major Vietnamese socioeconomic sectors and interest groups in society with the Party. The six mass organizations are the Women's Union, Vietnam Fatherland Front, General Confederation of Labor, Youth Union, Veterans Association and Farmers Association. End Note.) Mass organizations have lobbied not to be governed by the LOA, while smaller Vietnamese associations and the donor community want all organizations to fall under the law's purview.

¶7. (C) If the LOA applied to the mass organizations, their leaders, who are senior Party officials, could stand to lose status and power, and the mass organizations themselves could lose GVN financial backing, Giao said. Smaller associations currently obtain licenses and some finances through the various ministries and thus are effectively linked to the Party. Under the 11th draft of the LOA, however, they would be self-financing, able to obtain more donor funds and generally freer of government control, Giao added.

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Optimistic About LOA's Prospects

¶8. (C) Our civil society contacts remain optimistic about the LOA's prospects. When Poloff asked Nguyen Manh Cuong of VUSTA why he was hopeful, given that the first version of the LOA came out in 1991 and that some top leaders may be less than enthusiastic about the law, he responded that Vietnam has changed much in 15 years and that there is an emerging consensus that the country's associations must be self-sufficient. Leaders recognize that, as part of the GVN's public administration reforms, the GVN needs to clearly identify the role of government and delegate work to civil society. Party and GVN leaders know that Vietnam "needs an organized civil society operating within a clear legal framework,⁸ Giao added.

¶9. (C) Cuong told Poloff that some at the top fear civil society simply because they do not know about its positive contributions. He asserted that these leaders will come around on the LOA after government and association leaders educate them about it. For his part, Giao said that mid-level government leaders who favor passing the LOA have access to some of Vietnam's top leaders, including Prime Minister Nguyen Tan Dzung.

Comment

¶10. (C) Given the LOA's long odyssey, caution is the watchword. The Politburo's interest in the matter - and its cautious approach - are a consequence of both the importance and sensitivity of the law, and more broadly, the development of civil society. The next version of the LOA will provide some indication as to how debate on civil society among Vietnam's top leaders is playing out and if our contacts'

optimism is warranted. End Comment.
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